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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/628,285 | 07/29/2003 | Sang Ryul Lee | K-0536 | 5381 |

34610 7590 03/22/2004

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EXAMINER


VAN, QUANG T

ART UNIT PAPER NUMBER

3742

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|--------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/628,285 | LEE ET AL. | |
| | Examiner | Art Unit |  |
| | Quang T Van | 3742 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Oguri et al (JP2000154920A). Oguri discloses a microwave oven comprising a case (1) having a cooking chamber (2) formed therein and an opening in a front part (figure 1); a tray (3) provided in the case to form a bottom (2a) of the cooking chamber; and a unitary gasket (8) having an inner edge surrounding an edge of the tray (3), and a part of outer surface (8a) in close contact with an inside surface (2b) of the case.
4. Claims 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Vigano et al (US 4,857,685). Vigano discloses a microwave oven comprising a casing (1) having a cooking chamber (2) formed therein and an opening in a front part; and an air duct (22) fixed to an inside of an upper part the case directly by hooks (22A), having a bottom surface forming a ceiling surface of the cooking chamber (2), and provides an air circulating passage (26).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oguri et al (JP2000154920A) in view of Saito et al (JP08090669A). Oguri discloses substantially all features of the claimed invention except the gasket is molded with the tray. Saito discloses a silicon gasket is molded with a tray (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Oguri et al (JP2000154920A) a silicon gasket is molded with a tray as taught by Saito in order to make a gasket with a tray in one unit.

7. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oguri et al (JP2000154920A) in view of Vigano et al (US 4,857,685). Oguri discloses substantially all features of the claimed invention except an air duct mounted on an upper part of an inside of the case to form a ceiling of the cooking chamber. Vigano discloses an air duct (22) mounted on an upper part of an inside of the cavity to form a ceiling of the cooking chamber (2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Oguri et al an air duct mounted on an upper part of an inside of the case to form a ceiling of the cooking chamber as taught by Vigano in order to provide an air circulation passage.

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8. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oguri et al (JP2000154920A) in view of Vigano et al (US 4,857,685) and further in view of McCammon et al (US 4,556,772). Oguri/Vigano discloses substantially all features of the claimed invention except the air duct includes panel forming ceiling surface of the cooking chamber, walls around the panel, a plurality of apertures for passing of air, a flange extended horizontally from a top of the front wall. McCammon discloses an air duct (44) includes panel (160) forming ceiling surface of the cooking chamber(12), walls around the panel (figure 4), a plurality of apertures (198) for passing of air, and a flange (180) extended horizontally from a top of the front. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Oguri/Vigano an air duct includes panel forming ceiling surface of the cooking chamber, walls around the panel, a plurality of apertures for passing of air, a flange extended horizontally from a top of the front wall as taught by McCammon in order to provide air circulation passage for the cooking chamber.

9. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vigano et al (US 4,857,685) in view of McCammon et al (US 4,556,772). Vigano discloses substantially all features of the claimed invention except the air duct further includes a flange extended horizontally to forward from a top of the front wall. McCammon discloses an air duct (44) further includes a flange (180) extended horizontally to forward from a top of the front wall (figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Vigano an air duct further includes a flange extended horizontally to forward from a top

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of the front wall as taught by McCammon in order to attach the duct to the ceiling of the cooking chamber.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Pothier can be reached on 703-308-0265. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV
March 18, 2004



Quang T Van
Primary Examiner
Art Unit 3742